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*[Signature]*

Attorney's Docket No.: P11026

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: )  
)  
Kloster, et al. )  
)  
U.S. Serial No: 09/820,079 ) Examiner: Magee, Thomas J.  
)  
Filed: March 28, 2001 ) Art Unit: 2811  
)  
For: **STRUCTURE IN A** )  
**MICROELECTRONIC DEVICE** )  
**INCLUDING A BI-LAYER FOR** )  
**A DIFFUSION BARRIER AND** )  
**AN ETCH STOP LAYER** )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE**

Dear Sir:

This is in response to the Office Action mailed July 26, 2004. Applicant respectfully requests the Examiner to enter the following amendments and consider the following remarks.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper. **Remarks/Arguments** begin on page 10 of this paper.

**FIRST CLASS CERTIFICATE OF MAILING**

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COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450

U.S. Patent and Trademark Office, Washington, D.C. 20231 on October 26, 2004

Date of Deposit

Teresa Mattox

Name of Person Mailing Correspondence

*Teresa Mattox*  
Signature

*October 26, 2004*  
Date

**AMENDMENT TRANSMITTAL****PATENT**

Application No.: 09/820,079  
Filing Date: July 31, 2002  
First Named Inventor: Kloster et al.  
Examiner's Name: Thomas J. Magee  
Art Unit: 2811  
Attorney Docket No.: 42390P11026

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- ☐ Preliminary Amendment
- ☒ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☐ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☐ Other: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_
- ☐ Check(s)
- ☒ Postcard (Return Receipt)

**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

TYPED OR PRINTED NAME: Michael A. BernadicouSIGNATURE: *Michael A. Bernadicou*REG. NO.: 35.934DATE: 10/26/04ADDRESS: 12400 Wilshire Boulevard, Seventh FloorLos Angeles, California 90025TELEPHONE NO.: (408) 720-8300**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

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(10/14/03)